

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: May 21, 2025

* * * * *	*	
CHRISTOPHER JAY HANKINS,	*	
	*	No. 20-1342V
Petitioner,	*	
v.	*	Special Master Dorsey
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	
* * * * *		

ORDER CONCLUDING PROCEEDINGS¹

On October 7, 2020, Christopher Jay Hankins (“Petitioner”) filed a petition in the National Vaccine Injury Program² alleging that as a result of receiving a pneumococcal 13-valent conjugate vaccine (“Prevnar 13”) on September 27, 2019, Petitioner suffered a shoulder injury related to vaccine administration (“SIRVA”). Petition at Preamble (ECF No. 1); Amended (“Am.”) Petition at Preamble (ECF No. 21).

On July 15, 2022, Respondent filed his Rule 4(c) Report arguing against compensation. Respondent’s Report (“Resp. Rept.”) (ECF No. 25). Between July 2023 and June 2024, the parties filed expert reports. Petitioner’s Exhibits (“Pet. Exs.”) 10, 12; Resp. Exs. A, D.

On September 10, 2024, the undersigned held a Rule 5 conference. She was unable to

¹ Because this Order contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Order will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018). All citations in this Order to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

provide her preliminary findings in the case as it needed further development. She directed Petitioner to provide an expert report from a neurologist. Rule 5 Order dated Sept. 11, 2024 (ECF No. 67). The undersigned set an initial deadline of October 10, 2024 for Petitioner identify an expert neurologist. Id. at 2.

Between October 2024 and March 2025, Petitioner filed multiple status reports regarding his efforts to retain an expert neurologist. See Order to Show Cause dated Mar. 24, 2025, at 1-3 (ECF No. 83). On March 24, 2025, the undersigned ordered Petitioner to show cause why his case should not be dismissed by filing an expert report from a neurologist, addressing the issues raised in undersigned's Rule 5 Order, no later than Friday, May 23, 2025. Id. at 3-4.

On May 21, 2025, Petitioner filed a joint stipulation of dismissal, indicating "[t]he parties hereby stipulate pursuant to Vaccine Rule 21(a) that this action shall be dismissed." Joint Stipulation of Dismissal, filed May 21, 2025 (ECF No. 84).

Under Vaccine Rule 21(a), which governs dismissal of a petition, "Petitioner may dismiss the petition without order of the special master or the court by filing: . . . (B) a stipulation of dismissal signed by all parties who have appeared in the action." Vaccine Rule 21(a)(1)(B). Unless stated otherwise, the dismissal is without prejudice. Vaccine Rule 21(a)(2). "A petition dismissed under this subdivision (a) will not result in a judgment pursuant to Vaccine Rule 11 for purposes of 42 U.S.C. § 300aa-21(a)." Vaccine Rule 21(a)(3).

In accordance with Vaccine Rule 21(a), this case is hereby **dismissed without prejudice**. The Clerk of Court is instructed that **judgment shall not enter** in the instant case pursuant to Vaccine Rule 21(a)(3).

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master